

IAP15 Rec'd PCT/PTO 13 NOV 2006
PFT
IFW

Practitioner's Docket No.

51436.0000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Universität Bremen
Application Number: 10/594,051
Filed: September 25, 2006
Title: System and Device Implantable in Tissue of a Living Being for Recording and Influencing Electrical Bio-Activity

Group No:
Examiner:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Adjustment date: 11/16/2006
11/15/2006 CHAILE1 00000029 130760 10594051
01-FC-2051 65.00 CR
11/15/2006 CHAILE1 00000029 130760 10594051
01-FC-2051 65.00 DA

COMPLETION OF FILING REQUIREMENTS

— NONPROVISIONAL APPLICATION

(check and complete this item, if applicable)

I. ☐ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed _____.

NOTE: *"If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added."*

☐ A copy of the Notice to File Missing Parts of Application – Filing Date Granted (Form PTO-1533) enclosed.

NOTE: *The PTO requires that a copy of Form 1533 be returned with the response to the notice to file missing parts to the application.*

DECLARATION OR OATH

II. ☒ No declaration or oath was filed. Enclosed is a Combined Declaration & Power of Attorney for the above application.

NOTE: *If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.3(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. § 1.48(f)(1).*

OR

☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

CERTIFICATION UNDER 37 C.F.R. § 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory,
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ 37 C.F.R. § 1.8(a)
with sufficient postage as first class mail.

☐ 37 C.F.R. § 1.10*
as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: November 8, 2006

Signature

Patty Eckman

(type or print name of person certifying)

*WARNING: Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

NOTE: For surcharge fee for filing date complete item VI(3) below.

NOTE: *The following combination of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. § 1.63:

- *(A) application number (consisting of the series code and the serial number, e.g. 08/123,546);
 - *(B) serial number and filing date;
 - *(C) attorney docket number that was on the specification as filed;
 - *(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or
 - *(E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g. 08/123/456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."
- M.P.E.P. § 601.01(a), 7th Ed.

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia, 37 C.F.R. § 1.10(c).

AMENDMENT CANCELING CLAIMS

III. ☐ Cancel claims _____ inclusive.

COMPLETION FEES

VI.

WARNING: Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. § 1.53.
NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. § 1.28(a).

1. **Filing fee**
 - ☐ utility patent application
(37 C.F.R. § 1.16(a) – \$300.00; Small entity – \$150.00) \$ _____
 - ☐ design application
(37 C.F.R. § 1.16(g) – \$200.00; Small entity – \$100.00) \$ _____
2. **Fees for claims**
 - ☐ each independent claim in excess of 3
(37 C.F.R. § 1.16(b) – \$200.00; Small entity – \$100.00) \$ _____
 - ☐ each claim in excess of 20
(37 C.F.R. § 1.16(c) – \$50.00; Small entity – \$25.00) \$ _____
3. **Search Fee**
 - ☐ Utility
(37 C.F.R. § 1.16(k) – \$500.00; Small entity – \$250.00) \$ _____
 - ☐ Design
(37 C.F.R. § 1.16(i) – \$100.00; Small entity – \$50.00) \$ _____
4. **Examination Fee**
 - ☐ Utility
(37 C.F.R. § 1.16(o) – \$200.00; Small entity – \$100.00) \$ _____
 - ☐ Design
(37 C.F.R. § 1.16(o) – \$130.00; Small entity – \$65.00) \$ _____
5. **Surcharge fees**
 - ☒ late payment of filing fee and/or late filing of original declaration or oath
(37 C.F.R. § 1.16(e) – \$130.00; Small entity – \$65.00) \$ 65.00
6. ☐ Petition and fee for filing by other than all the inventors or a person not the inventor
(37 C.F.R. §§ 1.17(g) and 1.47 – \$200.00) \$ _____
7. ☐ Fee for processing an application filed with a specification in a non-English language
(37 C.F.R. §§ 1.17(i) and 1.52(d) – \$130.00) \$ _____
8. ☒ Assignment (See "ASSIGNMENT COVER SHEET") \$40.00 \$ 40.00

Total completion fees \$ 105.00

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EXTENSION OF TIME

VII. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

<u>Extension</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$225.00
<input type="checkbox"/> three months	\$1,020.00	\$510.00
<input type="checkbox"/> four months	\$1,590.00	\$795.00

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

- ☐ An extension for _____ months has already been secured, and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

-or-

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

(Completion of Filing Requirements – Nonprovisional Application [5-1] – page 3 of 4)

TOTAL FEE DUE

VIII.

The total fee due is

Completion fee(s)

\$ 105.00

Extension fee (if any)

\$ _____

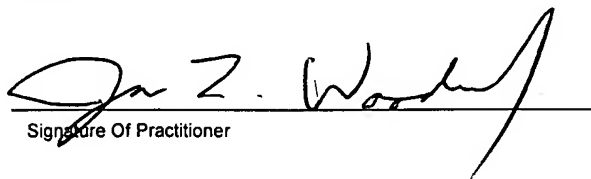
Total Fee Due \$ 105.00

PAYMENT OF FEES

IX.

- ☐ Enclosed is a check in the amount of \$ _____.
- ☒ Charge Deposit Account No. 13-0760 in the amount of \$ 105.00
- ☐ Charge any additional fees required by this paper or credit any overpayment to Deposit Account 13-0760.

A duplicate of this request is attached for this purpose.



Signature Of Practitioner

Date: Nov. 8, 2006

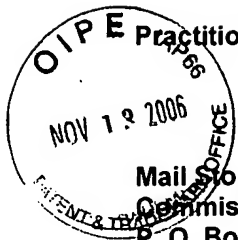
Reg. No.: 45,515

Customer No.: 27,101

Jon L. Woodard

100 State Street, Suite 700

Erie, PA 16507-1459



Practitioner's Docket No. 51436.0000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Assignments
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

NOTE: "Documents and cover sheets to be recorded should be addressed to Mail Stop Assignments, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, unless they are filed together with new applications or with a petition under § 3.81(b)." 37 CFR § 3.27.

ASSIGNMENT (DOCUMENT) COVER SHEET (37 CFR § 3.31)

NOTE: "A cover sheet may not refer to both patents and trademarks." 37 CFR § 3.31(b).

Attached please find an assignment (document) for recordal.

IDENTIFICATION OF APPLICATION(S) OR PATENT(S) FOR ASSIGNMENT RECORDAL
(37 CFR § 3.21 AND 37 CFR § 3.31 (a)(4))

NOTE: See 37 CFR § 3.21.

NOTE: § 3.21 does not apply to documents other than assignment. Notice of June 24, 1992 (1140 O.G. 63-72 at 67).

1. This assignment is for the following patent application and/or issued patent:

National application no: 10/594,051 Filed on: September 25, 2006
Title: System and Device Implantable in Tissue of a Living Being for Recording and Influencing Electrical Bio-Activity
Provisional application no: _____ Filed on: _____
Patent Number _____ Issued: _____

(complete if applicable) which was previously assigned and recorded

Date: _____ Reel _____
Frame _____

NOTE: "If an assignment of a patent application filed under § 1.53(b) is executed concurrently with, or subsequent to, the execution of the patent application, but before the patent application is filed, it must identify the patent application by its date of execution, name of each inventor, and title of the invention so that there can be no mistake as to the patent application intended. If an assignment of a provisional application under § 1.53(c) is executed before the provisional application is filed, it must identify the provisional application by name of each inventor and title of the invention so that there can be no mistake as to the provisional application intended. 37 C.F.R. § 3.21.

CERTIFICATION 37 CFR §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450
37 CFR § 1.8(a) 37 CFR § 1.10*
☐ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: November 8, 2006

Patty Eckman
(type or print name of person mailing paper)

Patty Eckman
Signature of person certifying

*WARNING:

Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition."
Notice of Oct. 24, 1996, 60 Fed. Reg. 55,439, at 56,442.

(also complete the following, if applicable)

- ☐ and also for the applications and/or patents shown on the attached list of FURTHER APPLICATION(S) and/or PATENT(S) BEING ASSIGNED

Number of pages added _____

NOTE: "Where there is a listing of properties contained within a document, any listing may be copied and attached to the cover sheet to reduce the amount of typing necessary. A notation of this attachment can be made in lieu of entering every property identification number on the cover sheet. Notice of June 24, 1992 (1140 O.G. 63-72 at 67).

TOTAL NUMBER OF APPLICATIONS AND/OR PATENTS & TOTAL FEE

NOTE: "All requests to record documents must be accompanied by the appropriate fee; a fee is required for each application or patent against which the document is recorded as identified in the cover sheet. The recording fee is set in § 1.21(h). 37 C.F.R. § 3.41.

2. A. The total number of applications and/or patents identified in this cover sheet is 1.

- B. The total fee is (37 CFR § 1.21(h)):

1 x \$40.00 = \$ 40.00

- C. Payment of fee is made by:

☐ the attached check for \$ _____
☒ Please charge Account 13-0760 the sum of \$ 40.00

A duplicate of this cover sheet is attached.

Please charge Account 13-0760 for any fee deficiency or credit to account any overpayment.

NAME OF PARTY(IES) CONVEYING INTEREST

(37 CFR § 3.31(a)(1))

NOTE: "The term 'party' as used in 37 C.F.R. § 3.31 means the person whose name appears on the documents to be recorded, that person's attorney or registered agent, or a corporate officer where a corporation's name appears on the documents." Notice of June 24, 1992 (1140 O.G. 63-72, at 65); M.P.E.P. § 302.07, 7th ed.

3. The party(ies) conveying interest is (are):

Name 1: Klaus Pawelzik
Name 2: David Rotermund
Name 3: _____

NAME AND ADDRESS OF PARTY(IES) RECEIVING INTEREST

(37 CFR § 3.31(a)(2))

4. The rights are being conveyed to:

Name: Universität Bremen
Address Bibliothekstrasse 1
28359 Bremen, Germany

DESCRIPTION OF INTEREST CONVEYED OR TRANSACTION RECORDED (37 CFR § 3.31(a)(3))

5. The accompanying document intends to accomplish

<input checked="" type="checkbox"/>	an assignment.	<input type="checkbox"/>	a license.
<input type="checkbox"/>	a security agreement.	<input type="checkbox"/>	a change of name.
<input type="checkbox"/>	a merger.	<input type="checkbox"/>	a change of address.

NAME AND ADDRESS OF PARTY TO WHOM CORRESPONDENCE SHOULD BE MAILED

(37 CFR § 3.3(a)(5))

6. Please address correspondence to:

Name: Jon L. Woodard
Address 100 State Street, Suite 700
Erie, PA 16507-1459
Telephone: 814-870-7706
10594051

11/20/2006 GFREY1 00000167 130760

02 FC:8021 40.00 DA

DATE ASSIGNMENT (DOCUMENT) EXECUTED (37 CFR § 3.31(a)(7)) .

7.A. ☒ The attached assignment was executed on Oct. 23, 2006

NOTE: If there is more than one conveying party who executed on different dates, indicate the date of execution of the assignment document for each conveying party.

B. ☐ The attached assignment was executed by _____ on _____

LANGUAGE OF ASSIGNMENT (DOCUMENT) TO BE RECORDED

NOTE: "The Office will accept and record non-English language documents only if accompanied by a verified English translation signed by the individual making the translation." 37 CFR 3.26.

8. The attached document:

- ☒ is in the English language.
☐ is not in the English language and a verified English translation signed by the individual making the translation is attached.

ORIGINAL DOCUMENT OR TRUE COPY SUBMITTED

NOTE: See 37 C.F.R. § 3.24.

9. Submitted herewith is:

- ☐ the original document.
☒ a true copy of the original document, which I certify to be a true copy.

NOTE: "If the original [assignment] document is two-sided or the wrong size, the practitioner can comply with the requirement [set out in 37 C.F.R. § 3.24] by providing a true copy of the original document using only one side of each page on the correct size paper." Notice of June 24, 1992, 1140 O.G.

63-76, at 67.

NOTE: "Certification shall be made by the person submitting a copy of an original document that the document submitted is a true copy of the original. The certification is not required to be in an oath or declaration form." M.P.E.P., § 302.01, 7th ed. 63-76, at 67.

ASSIGNMENT (DOCUMENT) TO RECORD CHANGE OF ADDRESS

10. ☐ Because the purpose of the attached documents is to record a change of address of the assignee, the particulars of the previously recorded assignments for each application and/or patent are shown.

ASSIGNMENT (DOCUMENT) TO RECORD CHANGE OF NAME

(check item, if applicable)

11. ☐ Because the purpose of the attached documents is to record a change of name of the assignee, the particulars of the previously recorded assignments for each application and/or patent are shown.

CHANGE OF PATENT MAINTENANCE FEE ADDRESS

(check item, if applicable)

12. ☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent to the Office separately.

STATEMENT (37 CFR § .31(a)(9)) AND SIGNATURE (37 CFR § .31 (a)(10))

13. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

NOTE: "The term 'party' as used in this rule [§ 3.31] means the person whose name appears on the documents to be recorded, that person's attorney or registered agent, or a corporate officer where a corporation's name appears on the document." Notice of June 24, 1992, 1140 O.G. 63-76, at 65; M.P.E.P. § 302.07, 6th ed.

Reg. No. **45,515**

Phone: **814-870-7664**

Customer No. **27,101**


Signature of Practitioner

Jon L. Woodard

Type or print name of attorney

100 State Street - Suite 700

Street Address

Erie, PA 16507-1459

City, State, Zip Code